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FILED  
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE REFUGIO GUZMAN-SALAZAR,  
CARLOS MARQUEZ-HERNANDEZ,  
VICTOR FERNANDO  
APODACA-GASTELUM, and  
ERNESTO MICHAEL PRIETO,

Defendants.

Case No. 2:13-CR-00716 DAK

**SUPERSEDING INDICTMENT**

VIOL. 21 U.S.C. §§ 841(a)(1) and 846  
Conspiracy to Distribute  
Methamphetamine  
(500 grams or more)

21 U.S.C. § 841(a)(1)  
Distribution of Methamphetamine

18 U.S.C. § 1512(a)(1)(A)  
Tampering with a Witness or an  
Informant

18 U.S.C. § 1513(a)(1)(B)  
Retaliating against a Witness or an  
Informant

18 U.S.C. § 373(a)  
Solicitation to Commit a Crime of  
Violence

18 U.S.C. § 1958 (a)  
Traveling in Interstate Commerce in the  
Commission of Murder-for-Hire

18 U.S.C. § 2  
Aiding and Abetting

The Grand Jury Charges:

COUNT 1

[21 U.S.C. §§ 841(a)(1) and 846]

[Conspiracy to Distribute More Than 500 Grams of Methamphetamine]

On a date unknown, but at least by October 9, 2012, and continuing through February 25, 2013, in the Central Division of the District of Utah and elsewhere,

JOSE REFUGIO GUZMAN-SALAZAR,  
CARLOS MARQUEZ-HERNANDEZ,  
VICTOR FERNANDO APODACA-GASTELUM,  
and ERNESTO MICHAEL PRIETO,

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown to distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846, and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

COUNT 2

[21 U.S.C. § 841(a)(1)]

[Distribution of More Than 50 Grams of Methamphetamine]

On or about November 9, 2012, in the Central Division of the District of Utah,

VICTOR FERNANDO APODACA-GASTELUM,  
and ERNESTO MICHAEL PRIETO,

the defendants herein, did knowingly and intentionally distribute fifty (50) grams or more of methamphetamine, a Schedule II controlled substance, within the meaning of 21 U.S.C. § 812; and did aid and abet therein, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

COUNT 3

[21 U.S.C. § 841(a)(1)]

[Distribution of More Than 500 Grams of Methamphetamine]

On or about November 16, 2012, in the Central Division of the District of Utah,

VICTOR FERNANDO APODACA-GASTELUM,  
JOSE REFUGIO GUZMAN-SALAZAR,  
CARLOS MARQUEZ-HERNANDEZ,  
and ERNESTO MICHAEL PRIETO,

the defendants herein, did knowingly and intentionally distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, within the meaning of 21 U.S.C. § 812; and did aid and abet therein, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

COUNT 4

[21 U.S.C. § 841(a)(1)]

[Distribution of More Than 500 Grams of Methamphetamine]

On or about December 6, 2012, in the Central Division of the District of Utah,

JOSE REFUGIO GUZMAN-SALAZAR,  
CARLOS MARQUEZ-HERNANDEZ,  
and VICTOR FERNANDO APODACA-GASTELUM,

the defendants herein, did knowingly and intentionally distribute five hundred (500) grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, within the meaning of 21 U.S.C. § 812; and did aid and abet therein, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

COUNT 5

[18 U.S.C. § 1512(a)(1)(A)]  
[Tampering with a Witness or an Informant]

Beginning on or about May 1, 2015, and continuing to on or about November 10, 2015, in the Central Division of the District of Utah and elsewhere,

JOSE REFUGIO GUZMAN-SALAZAR,

the defendant herein, did knowingly and intentionally attempt to kill J.A. by agreeing to pay another to have J.A. killed, with the intent to prevent the attendance and testimony of J.A. in an official proceeding, to wit, trial in the United States Court for the District of Utah (Case Number 2:13CR00716 DAK), and did aid and abet therein, in violation of 18 U.S.C. § 1512(a)(1)(A) and 18 U.S.C. § 2.

COUNT 6

[18 U.S.C. § 1513(a)(1)(B)]  
[Retaliating against a Witness or an Informant]

Beginning on or about May 1, 2015, and continuing to on or about November 10, 2015, in the Central Division of the District of Utah and elsewhere,

JOSE REFUGIO GUZMAN-SALAZAR,

the defendant herein, did knowingly and intentionally attempt to kill J.A. by agreeing to pay another to have J.A. killed, with the intent to retaliate against J.A. for providing to a law enforcement officer any information relating to the commission of a Federal offense, to wit, information leading to the Indictment of Jose Refugio Guzman-Salazar and others in the United States Court for the District of Utah (Case Number 2:13CR00716 DAK), and did aid and abet therein, in violation of 18 U.S.C. § 1513(a)(1)(B) and 18 U.S.C. § 2.

COUNT 7

[18 U.S.C. § 373]

[Solicitation to Commit a Crime of Violence]

Beginning on or about May 1, 2015, and continuing to on or about November 10, 2015, in the Central Division of the District of Utah and elsewhere,

JOSE REFUGIO GUZMAN-SALAZAR,

the defendant herein, with the intent that another engage in conduct constituting a felony that has as an element the use of physical force against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, did solicit, command, induce and endeavor to persuade another person to engage in such conduct, that is, to kill J.A., and did aid and abet therein, in violation of 18 U.S.C. § 373 and 18 U.S.C. § 2.

COUNT 8

[18 U.S.C. § 1958(a)]

[Traveling in Interstate Commerce in the Commission of Murder-for-Hire]


Beginning on or about October 1, 2015, and continuing to on or about October 28, 2015, in the Central Division of the District of Utah and elsewhere,

JOSE REFUGIO GUZMAN-SALAZAR,

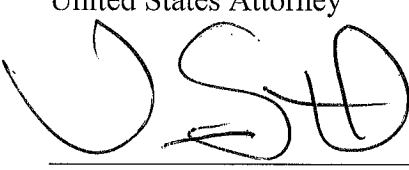
the defendant herein, did knowingly and intentionally cause another to travel in interstate commerce from Salt Lake City, Utah, to Philadelphia, Pennsylvania, with the intent that the murder of J.A. be committed in violation of the laws of any State or the United States as

consideration for a promise and agreement to pay anything of pecuniary value, to wit: United States currency, in violation of 18 U.S.C. § 1958(a).

A TRUE BILL:

  
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FOREPERSON OF THE GRAND JURY

JOHN W. HUBER  
United States Attorney

  
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VERNON G. STEJSKAL  
Assistant United States Attorney